

Appln. No. 10/003,011

Attorney Docket No. 8827-213
Client Reference No. PA-5270-RFB**II. Remarks**

Reconsideration and re-examination of this application in view of the following remarks is herein respectfully requested.

Claims 2 and 21 have been cancelled. Claims 1 and 20 have been amended. Claims 1, 3-20, and 22 remain pending.

Claim Rejections - 35 U.S.C. §103(a)

Claims 1, 2, and 4-7 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,695,813 to Boyle (Boyle) in view of U.S. Patent No. 5,681,347 to Cathcart, et al. (Cathcart).

Claim 2 has been cancelled and the contents thereof incorporated into claim 1. Since claim 2 was originally presented in the instant application, applicants submit that additional searching should not be required. Claim 1 now recites "wherein said elongate control member is a flexible cannula defining a lumen extending therethrough into which a wire guide is receivable and movable with respect thereto". Neither Boyle nor Cathcart teach this element. The examiner relies on Boyle to teach the control member and the grasping portion. Within Boyle, the examiner contends that the control member is a wire guide (18, 530), not a cannula configured to receive a wire guide. Therefore, Boyle and Cathcart do not teach or suggest the present invention according to claim 1. Claims 4-7 depend from claim 1 and are, therefore, patentable for at least the same reasons as given above in support of claim 1.

Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Boyle in view of Cathcart, in view of U. S. Patent No. 5,330,484 to Gunther, et al. (Gunther).

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Gunther does not teach or suggest the elements noted above as missing from claim 1. Further, claim 3 depends from claim 1 and is, therefore, patentable for at least the same reasons as given above in support of claim 1.

Claims 8-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Boyle in view of Cathcart, and in view of U.S. Patent No. 5,098,440 to Hillstead (Hillstead).

Hillstead does not teach or suggest the elements noted as missing above from claim 1. Further, claims 8-20 depend from claim 1 and are, therefore, patentable for at least the same reasons as given above in support of claim 1.

Claim 21 has been cancelled. Accordingly the rejection with regard to claim 21 is moot.

Claim 22 also recites that "the elongate control member is a flexible cannula defining a lumen extending therethrough into which a wire guide is receivable and moveable with respect thereto". Therefore, the arguments presented above in support of claim 1 are equally applicable to claim 22. In addition, applicants note that other elements in claim 22 and various dependent claims are also clearly not taught or suggested in the references cited. For example, claim 11 recites that each of said wire loops include side sections that overlap with side sections of adjacent ones of said wire loops; claim 15 recites that a plurality of wire loops having proximal end portions that are joined to said elongate control member at a fixation joints; and claim 22 recites that a control assembly disposed at a proximal end of the outer sheath and the proximal end portion of the elongate control member and in operative relation thereto for urging the grasping portion from the distal end of the outer sheath in retraction thereinto.

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Clearly, for at least the reasons noted above, the cited references do not teach or suggest the invention according to the claims of the instant application. Accordingly, applicants respectfully request withdrawal of the rejection under 35 U.S.C. §103.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is respectfully requested.

Respectfully submitted by,

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